

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NATIONAL ORGANIZATION FOR MARRIAGE, :
INC., :

Plaintiff, :

v. :

JAMES WALSH, in his official capacity as co-chair :
of the New York State Board of Elections; :
DOUGLAS KELLNER, in his official capacity as co- :
chair of the New York State Board of Elections;
EVELYN AQUILA, in her official capacity as
commissioner of the New York State Board of
Elections; and GREGORY PETERSON, in his
official capacity as commissioner of the New York
State Board of Elections,

Defendants.

: **NOTICE OF MOTION**
: **TO DISMISS THE COMPLAINT**

: Case No.: 10-CV-751
:
:

PLEASE TAKE NOTICE that upon the accompanying Declaration of Craig R. Bucki, Esq., dated October 12, 2010, with exhibits, and the accompanying Memorandum of Law dated October 12, 2010, and all the papers and proceedings herein, Defendants will move this Court, before the Hon. Richard J. Arcara, United States District Judge, at the United States Courthouse, located at 68 Court Street, Buffalo, New York 14202, at a date and time to be determined by the Court, for an Order, pursuant to Federal Rules of Civil Procedure 8(a) and 12(b)(6), dismissing Plaintiff's Verified Complaint, and awarding such other and further relief as to this Court seems just and proper.

PLEASE TAKE FURTHER NOTICE that Plaintiff intends to serve reply papers on this motion, and Defendants are therefore required to file and serve answering papers at least eight (8) business days prior to the return date to be scheduled by the Court.

DATED: Buffalo, New York
October 12, 2010

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Dated: Albany, New York
October 12, 2010

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